For that matter, telephone companies have used N11 numbers for decades, in ways that vary across the country, without any apparent concern for customer confusion. A customer moving from one state to another, or from one area to another within a state (or even within a single area code), has no way of knowing whether the telephone company uses of N11 numbers will be the same in her new location as they were in her old location. Even the most common N11 number, 911, is available to only 72 percent of the population after 20 years of effort, and 911 is unavailable to most consumers in Arkansas (38 percent coverage), New Hampshire (30 percent coverage), New Jersey (32 percent coverage), Vermont (30 percent coverage) and West Virginia (15 percent coverage).[22/] Similarly, 411-based directory assistance is still unavailable in major metropolitan areas such as Philadelphia and Seattle. The telephone companies offer no reason to believe that commercial uses of N11 numbers will be any more confusing than these and other existing inconsistent telephone company uses.

The real proof that confusion does not occur is actual experience, and there has been no evidence of any customer confusion in either Atlanta or West Palm Beach. People call local information services on N11 numbers only when they want to, and they have not mistaken them for either 411 or 911. There have been no complaints in these markets from either the telephone company or emergency service providers of misdials or other effects on their services. The lack of confusion is confirmed by the

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22/ *See* National Emergency Number Association, *The 9-1-1 Puzzle: Putting All the Pieces Together* Appendix A (1993). All figures are as of December, 1992.

monthly reports required by the Georgia Public Service Commission.[23/] Of course, information services providers have significant incentives to prevent any confusion, because confusion will only hurt them in the long run. As a result, the risk of customer confusion from the introduction of N11 service is extremely small, and certainly smaller than the risk of confusion from such routine telephone company actions as splitting area codes or shifting customers from one exchange to another.

2. There Is No Need to Use N11 Numbers for Area Codes.

At one time, telephone companies claimed there was a possibility that N11 numbers might be needed for area codes.[24/] That time has passed, however, and the advent of interchangeable area codes on January 1, 1995, will eliminate any reason to hold N11 numbers in reserve for that purpose.[25/]

The telephone company argument that N11 numbers might need to be held in reserve was disingenuous from the beginning. As Cox and others have documented, even if there had been a need for additional area codes between the time of the *NPRM* and January 1, 1995, it was unlikely that N11 numbers would have been used for that

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23/ Copies of representative reports in Georgia are incorporated in Appendix B. In addition, the Media Parties note that the recent introduction of competing N11-based service in Atlanta has not resulted in any confusion, either with old N11 offerings such as 911 or 411 or with Cox's service.

24/ *See, e.g.,* Comments of Pacific Bell and Nevada Bell, *The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, June 4, 1992, at 2.

25/ *See* Letter from Bellcore to Recipients of North American Numbering Plan (NANP) Information (Jan. 26, 1994).

purpose because doing so would have required significant, nationwide modifications to the telephone network.[26/]

3. N11 Service Poses No Risk to Emergency Services.

Emergency services providers and others have expressed concern that expanded use of N11 numbers could interfere with quick access to emergency services.[27/] As previously noted, however, this has not happened in Florida or in Georgia. N11 numbers have been operating in West Palm Beach, Florida since March, 1993 and in Atlanta, Georgia since September, 1993. These numbers have generated 1.3 million calls, yet there have been no complaints from customers or from emergency services providers of any confusion. In fact, the overwhelming majority of customer service calls have been requests for additional information on the N11-based information service offerings.

It also is important to understand that people already misdial when they are trying to reach 911, and the chance that people will, for instance, dial 711 when they want 911 is not affected by the existence of N11 service. In fact, today, a person who dials 911 accidentally could get any one of several different and confusing responses from the telephone network. For example, if a person misdials 911 in Washington, D.C., he

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26/ *See* Reply Comments of Cox, *The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, July 13, 1994, at 28-29.

27/ Comments of National Emergency Number Association, *The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, June 4, 1992.

will get dead air if he dials 211 and a "fast busy" if he dials 511. Either of these two outcomes, dead air or a busy signal, is potentially much more dangerous in an emergency situation than is a misdialed call that is quickly answered and can be re-dialed quickly. If an N11 number is in use, on the other hand, the caller will get an immediate indication that a wrong number was reached from the information services provider's greeting. "You have reached The Tennessean's information line" is a much less confusing result than dead air.[28/]

It is also likely that the overwhelming majority of misdialed calls to N11 numbers will not affect 911 providers. The numbers 9-1-1 are only one possibility among many, and many people notice their dialing mistakes even before they finish dialing a number. Because people are unlikely to call other N11 numbers accidentally, that reduces the risks even more. Finally, other kinds of misdials, such as misdialing the area codes that begin with 91 or misdialing exchanges that begin with 91, 92 or 94, are likely to occur much more often than misdials of N11 numbers. Consequently, the likelihood of any meaningful effect on 911 service is vanishingly small.

28/ Bell Atlantic's recently-introduced 611 repair line poses a significantly greater risk of customer confusion because it does *not* identify itself immediately as a repair line. A caller could be on the line 30 seconds or more before realizing he has not reached 911. It is noteworthy that Bell Atlantic introduced this new service despite its professed concerns about the use of N11 numbers and despite its opposition to the use of N11 numbers for access to services in Virginia, Maryland and the District of Columbia.

III. OTHER DIALING ARRANGEMENTS ARE EITHER UNSUITABLE OR WILL NOT BE AVAILABLE IN THE NEAR FUTURE.

The Media Parties are not seeking N11 assignments in their markets across the country merely because they are looking for some sort of new marketing tool. Rather, the Media Parties need access to N11 numbers because there is no other current numbering resource that can meet their needs.

A. 976 Service.

The most obvious potential substitute for N11 service is 976 service, but the inherent limitations of 976 service — its cost and its reputation — make it an unsuitable replacement. Moreover, 976 service is not abbreviated, a flaw shared by almost every proposed alternative, which makes it less attractive to consumers than N11-based services.

First, 976 service is very expensive, as much as four or five times as expensive on a per-call basis as, for example, the N11 service offered by Southern Bell in Florida and Georgia. This pricing structure makes it impossible to charge the low prices necessary for consumer acceptance of a local information service. This may explain why, for example, at the peak of 976 service in 1987, the average Texas 976 line generated less than 3,000 calls per year, or fewer calls than the Cox N11-based service in West Palm Beach generates in a week and fewer calls than Cox's Atlanta N11 service had on an average *day* in July.

976 service also contains significant restrictions that make it impossible to offer diverse, flexible information services. Specifically, 976 tariffs typically restrict message length, require lengthy advance notification before a message can be changed, and permit only pre-recorded messages.[29/] These restrictions would make it impossible to use a 976 number to provide information services that respond to current events such as the train wreck in West Palm Beach, or even to provide current information such as stock quotations or sports scores. Restrictions on live services prevent offering services like the classified advertising search service now available via Cox's N11 number in Atlanta.

As currently constituted, 976 service also is not a localized service. Rather, 976 numbers are regular telephone numbers, with wide area availability. This may be a factor in 976's pricing, and it also means that the scope of 976 service is too broad for the services that the Media Parties intend to provide.

Finally, 976 service has an unsavory reputation, which makes it extremely unattractive to legitimate information services providers. The reputation of 976 service makes customers wary of calling 976 numbers, regardless of the services that are being offered.

29/ *See, e.g.,* Bell Atlantic Telephone Co.-Maryland, Local Exchange Tariff P.S.C. - Md - No. 202. § 9. B.2.b.26.

B. 900 Service.

The Media Parties cannot use 900 numbers to provide their local information services for many of the same reasons that 976 numbers are not suitable. These concerns often are even more significant for 900 service, as shown below.

First, 900 service is the precise opposite of abbreviated dialing, because it requires local customers to dial *more* numbers than they would for a normal call. The additional digits are necessary because 900 is a wide-area service. It is designed to cover multiple area codes, not more limited geographic areas. The importance of customer convenience must not be overlooked, because many consumer decisions are based on that factor.

The network design that supports 900 service also makes it very expensive. For instance, a 900 number is used by Cox to permit calls to its West Palm Beach service from outside the N11 service area. Even though Cox prices this service at the cost of the underlying telephone service, it still must charge 35 cents a minute, which results in charges to consumers that far exceed the charges for the N11-based service. Moreover, Cox would have to greatly increase the price charged to consumers if it tried to cover all of the costs of this service, let alone if it tried to make a profit.

Like 976 service, 900 service has a reputation that makes it unsuitable for the broad-based information services that the Media Parties wish to offer in their coverage areas. The Commission is familiar, through its own proceedings, with the

unsavory practices and scams engaged in by some 900-based services.[30/] While many information services providers, including some of the Media Parties, have used and continue to use 900 service to provide valuable information services, the truth remains that consumers, as a whole, are more wary of 900-based services than of other information services, including even 976-based services.

Taken together, these factors have a profound impact on consumer acceptance of 900-based information services. This impact is illustrated by the experience of Cox's newspaper in West Palm Beach, where a 900 number is used to cover areas that are outside the calling scope of N11. Even though about 40 percent of the circulation of the newspaper is in areas where the service can be reached only through the 900 number, less than seven percent of the calls come through the 900 service and 900 call volume is dropping steadily. See Appendix B at 14. This dramatic difference in calling volume shows both the appeal of N11-based services to consumers and the distaste with which consumers view 900 numbers.

Consumers' experiences with 900 numbers has been so bad, in fact, that Congress had to limit the use of 900 numbers by legislation. In passing the Telephone Disclosure and Dispute Resolution Act of 1992 ("TDDRA"),[31/] Congress was responding to the complaints of consumers about the billing and marketing practices of

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30/ *See* Policies and Rules Implementing the Telephone Disclosure and Dispute Resolution Act, *Report and Order*, 8 FCC Rcd 6885 (1993) (the "TDDRA Order"), and earlier 900 decisions cited therein.

31/ Pub. L. 102-556, 106 Stat. 4181 (1992).

900 number information service providers. In part because of the common 900 number abuses, 900 number industry revenues fell 40 percent from 1992 to 1993.[32/]

C. "Free" Numbers.

It may be suggested that the Media Parties could continue their use of "free" numbers, either local seven-digit numbers or 800 numbers. Of course, as with the other alternatives, these numbers are not abbreviated. More important, seven-digit and 800 numbers have significant limitations that prevent the Media Parties from providing the range of information services necessary to make their services successful.

In particular, seven-digit and 800 numbers do not provide the information services provider with any way to charge the caller. This is significant because the ongoing expansion and improvement of information services is dependent on finding revenue sources. Moreover, and as described above, market research shows that consumers are wary of information services that rely solely upon advertising support. This means that the Media Parties and other information services providers need to have a way to charge their callers for their services, just like any other business. Because seven-digit and 800 numbers cannot be used for pay-per-call services, they do not meet this need.

In addition, 800 service is expensive, like 900 service, because it is a wide area service. Any service that uses an 800 number would, as a consequence, have to

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32/ Cindy Skrzycki, *FTC Issues Final Regulations For 900-Number Industry*, Wash. Post, July 28, 1993, at D1, D5.

charge much more than the N11 services now in place in the BellSouth region, with the same effects on consumer demand as the high prices for 900 and 976 service. Further, even if 800 numbers were a suitable alternative, federal law now prohibits the use of 800 numbers for pay-for-call services.[33/]

D. 555 Numbers.

Some parties have suggested that 555 numbers can be used as substitutes for N11 service. As a practical matter, this is not the case.

First, 555 service remains extremely undefined. While the Industry Numbering Committee (the "INC") recently adopted assignment guidelines for 555 numbers and the number assignment process has begun, the reality is that there are no existing technical arrangements to permit any form of "555 service" to come to market.[34/]

Those technical arrangements are the subject of two separate issues at other telephone industry forums, the Industry Carriers Compatibility Forum (the "ICCF")

33/ *See* TDDRA Order, 8 FCC Rcd at 6890-91 (1993). The Commission recently decided to address apparent abuses in the use of 800 numbers for pay-per-call services. *See Policies and Rules Implementing the Telephone Disclosure and Dispute Resolution Act*, Order on Reconsideration and Further Notice of Proposed Rulemaking, FCC 94-200, Action by the Commission on August 2, 1994.

34/ *See* INC Document 94-0429-002 (adopting assignment guidelines); Bellcore Information Letter 94/05-004 (announcing commencement of assignment process). Neither of these documents specifies any access arrangements for 555 numbers, requires local exchange carriers to provide 555 service, or provides for billing and collection service for 555 numbers.

and the Information Industry Liaison Committee (the "IILC").[35/] Neither group has completed any substantive work on these access arrangements. In fact, at the IILC, the issue currently lacks a "co-champion," which means that the IILC will not continue work on the issue at this time. Because the IILC issue concerns the kinds of regional access arrangements that are of most interest to the Media Parties and other localized information services providers, it is thus unlikely that there will be any meaningful availability of 555 service for their purposes in the foreseeable future.

It also is noteworthy that Southwestern Bell, which had suggested that it would begin a trial of some form of 555 service as long ago as the fall of 1993, has yet to announce, let alone begin, any trials. This suggests that there are significant technical difficulties in the offering of any 555 service that have yet to be overcome. In comparison, N11 service in the form desired by the Media Parties and other information services providers is now up and running in three different states, and N11-based services — at least those used by the telephone companies — are available throughout most of the country.

Moreover, it is unlikely that 555 service will meet the Media Parties' needs. Among other things, 555 service appears to be designed for large service areas, such as states or the entire country. These are far larger than the coverage areas needed by many of the Media Parties, which will result in proportionately higher costs. It also is not abbreviated, something which is quite important to the Media Parties. In addition,

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35/ *See* IILC Issue 046; ICCF Issue 277.

some elements of the telephone industry want to limit 555 to directory assistance-type services. GTE, for example, took that position before the INC. If 555 is limited to directory services, it will be useless to most information service providers.

E. Future Services.

The last category of proposed alternatives consists of services that are more poorly defined than even 555 service. These alternatives, such as "#XXX," may hold promise for the future, but they are not a near-term option. At the earliest, these services are unlikely to be available for implementation for at least several years. Moreover, the availability of these services will depend in large part on the responsiveness of telephone companies, something which remains in doubt.

Some progress has been made in the development of alternative forms of abbreviated dialing since this proceeding began. The reality, however is that widespread availability of abbreviated dialing arrangements still is years away.

The Media Parties are actively involved in industry forums on abbreviated dialing, and Cox is a co-champion, along with BellSouth, of the abbreviated dialing issue before the IILC. As a result of the efforts of information services providers, the IILC is likely to made final recommendations regarding abbreviated dialing in the next two months. Once that process is complete, however, the INC still will have to designate specific abbreviated dialing arrangements for use and set assignment guidelines and, potentially, the ICCF will have to agree on access arrangements. Only then is it likely that other abbreviated dialing arrangements will become available.

While the Commission cannot rely on as-yet-undefined alternative forms of abbreviated dialing in the near term, that does not mean that alternative forms of abbreviated dialing will have no role. Rather, the Commission should recognize that N11 service will likely spur the development of alternative forms of abbreviated dialing in order to meet any unsatisfied demand that may arise. It is possible, for instance, that availability of N11 service will speed up the processes of the INC and ICCF. Moreover, the assignment of N11 numbers can be conditioned on migration to alternative forms of abbreviated dialing once they become available, which will lessen any concerns about competitive advantages that could be gained by parties with N11 numbers.

F. N11 Resources Should Not Lie Fallow When There Is No Meaningful Prospect that Other Existing Services Could Meet Information Services Providers' Needs.

It is ironic that telephone companies continue to exploit N11 numbers for their own commercial purposes while they urge information services providers to use "alternatives" for their own commercial purposes. In essence, the telephone companies want to use N11 numbers themselves when they can benefit, to expand those uses if possible, and to let the remaining numbers lie fallow. The Commission should reject this ploy because the telephone companies' own actions show how useful N11 service would be and because there is no prospect that the alternatives they proffer will meet information services providers' needs.

The most obvious existing commercial use of N11 numbers by the telephone companies is the use of 411 for directory assistance call completion. Directory

assistance call completion not only provides telephone companies with additional revenues, it competes directly with intraLATA toll services offered by interexchange carriers. Another clear example of a commercial use of N11 service is the use of 611 for access to inside wire repair, an unregulated service that is offered in competition with non-telephone company inside wire repair services.[36/] Similarly, Centel sells voice mail, an unregulated enhanced service, and custom calling features through 811 in Texas. Even directory assistance, which loses money overall because some calls are not charged, provides positive net revenue for each charged call, and the telephone companies promote calls to 411 to update addresses and zip codes, functions that compete with other services such as zip code directories.

The record in numerous states shows that the LECs zealously protect these commercial uses of N11 services. The underlying reason for these strenuous efforts is a fear that the LECs would lose their monopoly on the use of N11 numbers and, with it, their ability to control the revenues they obtain from the services that use those numbers.[37/]

The LECs use N11 numbers for commercial purposes for most of the same reasons that the Media Parties believe they should be made available. N11 numbers are well-suited to the local nature of calls to obtain repairs or to buy voice mail. Directory

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36/ Bell Atlantic's repair service now allows customers to call 611 for this purpose.

37/ This motive was most starkly revealed in Texas, where documentary evidence showed that Southwestern Bell was deeply concerned about losing the monopoly on directory assistance and the revenues that service generates.

assistance through 411 provides a simple way to provide local directory information and, in the case of directory assistance call completion, to complete a local or intraLATA call. It also offers a nearly foolproof mechanism to collect the charges for the call.

The only difference between commercial LEC uses of N11 numbers and the commercial uses proposed by the Media Parties is that the LECs have appropriated the N11 numbers for their own use over the last 25 years, typically without seeking regulatory approval, while the Media Parties must depend on the Commission to pry the numbers loose from the LECs and make them available to private parties. In light of their wide-ranging commercial uses of N11 numbers, the LECs' refusal to offer N11 is unseemly.

The LECs' disingenuity is further illuminated by their preferred "alternatives" to N11 service. As shown above, the evidence demonstrates that services other than N11 service do not meet the Media Parties' needs. Many of the deficiencies in those services cannot be corrected. One example is the unsavory reputation of 900 and 976 service, because there is nothing that telephone companies or the Media Parties can do to eliminate that reputation. The high costs of 900 and 800 service and the statutory bar against using 800 numbers for pay-per-call services are equally inalterable.

Nevertheless, the most compelling evidence of the inadequacy of the proposed alternatives to N11 service is that no telephone company has ever offered to show any of the Media Parties how those services could meet their needs. If anything, the Media Parties have pursued the alternatives more aggressively than the telephone

companies, and some have even tried to use them to provide their information services. This pursuit has been to no avail. The Commission should not further delay the availability of N11 service based on the telephone companies' claims of false alternatives. Rather, the Commission should recognize that both the experience in Florida, Georgia and Tennessee and the LECs' own uses of N11 numbers for commercial purposes confirm the value of commercial use of N11 service, to consumers and service providers, and should require the service to be made available.

IV. OTHER APPROACHES TO USE OF N11 NUMBERS DO NOT MEET THE PUBLIC INTEREST TEST.

As the Media Parties have shown above, the unique characteristics of N11 service make it ideally suited for the provision of regional or localized, pay-per-call services. These same characteristics also, however, make N11 unsuitable for many purposes, and particularly for use on a national scale.

A. N11 Is Not Suited for Nationwide Use.

Since the beginning of this proceeding there have been several suggestions for nationwide assignments of N11 numbers. One of those proposals, in fact, triggered the *Notice* to which these comments respond. There are several significant limitations on the use of N11 numbers, however, that make them unsuitable for nationwide use.

First, N11 numbers cannot now provide nationwide uniform access to any service. While many of the numbering options above, such as 800 service, can be made available ubiquitously, that is not the case for N11. For instance, many communities do

not have access to 911 emergency service or 411 directory assistance even after 20 years of concerted effort. Indeed, 911 is only available to 72 percent of access lines in the country.[38/] The Red Cross, as part of its emergency service training, even advises people *not* to dial 911 in an emergency situation unless they know for certain that 911 service is available in a particular calling area.

Thus, of all the possible choices, N11 probably is the least likely to achieve the ubiquity that nationwide services require. While commercial information service providers, like the Media Parties, can function without N11 ubiquity, ubiquity is necessary for a service like telecommunications relay service if a uniform number is to have any value. As an example, in Maryland, Bell Atlantic can provide N11 service throughout its territory, but the Rising Sun Telephone Company, the other local exchange carrier in Maryland, might not be able to do so. If that were the case, there would be a hole in N11 coverage in the 410 area code. A commercial entity like The Washington Post Company or The Hearst Corporation could tolerate a gap in the area where it offers N11-based services, but a service like relay service, which by law must be ubiquitous, could not tolerate a hole in the middle of its service area. In the Maryland situation, using N11 for relay service could mean that a relay service user trying to make a call from certain exits off of Interstate 95 would be unable to reach the relay service at all. Moreover, the evidence of the availability of 911 shows that Maryland actually has considerably greater availability than most states.

38/ National Emergency Number Association, *supra* note 21.

Second, the nature of N11 numbers places significant limitations on their utility for nationwide purposes. For instance, nationwide use of a single N11 number for relay service effectively would preclude a caller from reaching his home relay service while travelling in another state.[39/] This could create significant difficulties for travelers, especially because some states permit their relay centers to handle calls only if the caller has a billing address in the state.[40/]

Next, unlike the other alternatives that are available, providing an N11 number for nationwide access to an information service would be prohibitively expensive. For example, BellSouth imposed a non-recurring charge of $15,000 for setting up 511 within the West Palm Beach local calling area, and BellSouth's N11 tariffs contain initial charges ranging from $15,000 to $80,000 per local calling area. The record in the Florida N11 proceeding establishes that these charges are intended to recover BellSouth's actual costs for making the N11 number available in any given local calling area.[41/]

39/ This would occur because the telephone network is not programmed to recognize a call consisting of an area code and three digits; telephone switches wait to receive four additional digits and then terminate the call if those digits are not received.

40/ *See* Response of Southwestern Bell to the NANPA questionnaire, "N11 Code Request for User Access to Relay Services," issued by NANP Administrator, May 28, 1993.

41/ The Media Parties support the use of cost-based rates for all elements of N11 service because use of cost-based rates will help to assure the availability of modestly-priced information services to the public.

While these charges are reasonable in that they are based on actual cost, when this cost of $15,000 to $80,000 is multiplied by the number of local calling areas that would require modification before nationwide access could be provided, it becomes clear that implementing nationwide N11 assignment would be expensive, certainly much more expensive than other alternatives such as 800 service. When, however, an N11 number is used by an information services provider, these initial costs easily can be recovered from the millions of calls generated by the N11-based information services over the life of those services. Non-income generating services, however, such as those proposed by the National Center for Law and Deafness and the General Services Administration Petitions, have no way to recover these costs.[42/]

N11 numbers also could not be made available ubiquitously for national service in a timely manner, especially when compared to other resources. Making N11 numbers available requires software modifications and, in some cases, hardware modifications to all of a local exchange carrier's switches in the area where the N11 numbers are being made available. These modifications can be time consuming, especially where hardware changes are necessary. Considering the large portions of the country where 911 is not available, it is evident that it would take years, and perhaps

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42/ Further, recurring costs for non-enhanced nationwide N11 services also would be higher than for local N11 services because of the need to pay access charges. Access charges would, in most cases, at least triple the cost of a five minute call.

decades, before uniform nationwide access to any service through an N11 number could be made ubiquitously available.[43/]

Nationwide assignments of N11 numbers also raise significant scarcity issues. As both the comments filed in 1992 and subsequent filings demonstrate, there is a plethora of potential nationwide numbering assignments.[44/] There are exactly eight N11 numbers, and even without considering existing uses such as 911, there are nowhere near enough N11 numbers to meet the potential demand for nationwide assignments.[45/] In fact, some scenarios have suggested the need for as many as *four* nationwide numbers for relay service alone, which would account for half of the total N11 numbers.

Of course, there already is a resource devoted to nationwide uses — 800 service — which has millions of numbers available immediately and with extremely low

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43/ N11 numbers as currently configured also do not have all of the features needed to offer some of the national services for which they are sought. For example, relay service requires automatic numbering identification ("ANI"), a feature that is not available as part of N11 service. Making these features available would, again, increase the costs of using N11 numbers for these purposes. While ANI would be of some use to the Media Parties, they can operate their information services without it, and can make business decisions about whether to incur the extra costs for ANI. Relay service cannot operate without ANI.

44/ Most recently, members of Congress have suggested the need for uniform access to information about underground utility facilities. *See* "Telephony," *Communications Daily*, Aug. 3, 1994 at 6.

45/ While a localized N11 service might raise some similar concerns, they are not nearly as serious as the scarcity problems caused by nationwide assignment because the use of limited service areas permits assignments to different entities in each service area. In addition, experience in Georgia, Florida and Tennessee suggests that demand for N11 service, while strong, is not overwhelming.

start-up costs. With the advent of 800 portability, it also is possible to route calls to multiple locations depending on where a call originates, a key feature for both relay services and the GSA's proposed government information service.[46/] Moreover, N11 is designed to be a service that assesses charges to the caller. The National Center for Law and Deafness and the General Services Administration, however, seek to provide services for which the Media Parties believe the called party — either the relay center or the government — would pay the associated telephone charges. Assigning N11 numbers for these purposes would thus waste the valuable ability of N11 service to be used for pay-per-call services. The inefficiencies of such an assignment are exaggerated by the fact that existing telephone services, such as 800 and 950, are designed specifically to have all costs charged to the called party *and* are ubiquitously available across the nation.

As demonstrated, the nationwide assignment of N11 numbers will not permit national entities to achieve the goal of uniform, easy access in the near future. Further, the unique features of N11 service that make it so desirable for local information services providers would be wasted if N11 numbers were used for national, public-service uses. While the Media Parties support uniform national access to a service as important as telecommunications relay service, N11 numbers are not the way

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46/ *See* Telecommunications Services for Individuals with Hearing and Speech Disabilities and the Americans with Disabilities Act of 1990, *Report and Order and Request for Comments*, 6 FCC Rcd 4657, 4665-66 (1991) (declining to require a uniform 800 number for relay service in light of unavailability of 800 number portability).

to achieve that access. The Commission would better serve the communities that have requested nationwide N11 numbers by requiring the assignment of 800 numbers, which are ubiquitously available today at a relatively low start-up cost, rather than by assigning N11 numbers that will, at best, take years to implement at a very high cost.

B. Other Proposed Uses of N11 Numbers Are Ill-Conceived.

In addition to the proposals for nationwide uses, some commenters in the earlier proceeding suggested other uses for N11 numbers. During the first phase of this proceeding, several of the Media Parties described why these uses would be contrary to the public interest.[47/] As demonstrated in those comments, the Commission should reject the ill-conceived alternatives suggested by opponents of N11 service.

For example, the Ad Hoc Telecommunications Users Committee suggested that N11 numbers should be assigned based on specific functions that would be uniform across the country.[48/] The Ad Hoc proposal would designate each N11 number for a specific type of service and multiple service providers would share each number. Consumers would be required to presubscribe to their chosen service provider. This approach ignores one of the key strengths of N11-based services, which is that they can be tailored to local needs. Ad Hoc also failed to explain how its proposal could be

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47/ *See, e.g.,* Reply Comments of Advance Publications, *The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, July 13, 1994, at 4-5.

48/ *See* Initial Comments of the Ad Hoc Telecommunications Users Committee, *The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, June 5, 1992, at 9.

accommodated by the current architecture of the telephone network. In addition, Ad Hoc's presubscription requirement would be burdensome and impractical in real world applications.[49/]

Similarly, in some of the state N11 proceedings, the Bell operating companies, specifically Bell Atlantic, have been proposing the reservation of N11 numbers for their own "gateway" type N11 services. Bell Atlantic's obvious purpose in making these proposals is to ensure that it remains the monopoly provider of N11 service, as is shown in its recent announcement that it will offer a trial gateway service in New Jersey using the number 211.[50/] Moreover, the history of BOC-owned and operated gateways is dismal. This may be why information services providers have opposed LEC-operated N11 gateways. In light of the strong opposition to N11 service by

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49/ For instance, most voice mail subscribers want to retrieve their messages from locations other than their home or office telephones, including pay telephones. As a consequence, Ad Hoc's proposal actually would make it harder for these voice mail subscribers to retrieve their messages.

50/ Communications Daily, June 30, 1994, at 5. Bell Atlantic's gateway will use Intelligent Network technology that is not widely available. When a similar proposal was made in Georgia, BellSouth said it could take years to make a gateway available. Consequently, the Georgia Public Service Commission specifically declined to have gateways in Georgia, saying

> [t]he Commission finds and concludes that SBT-operated N11 gateways, which are not now available through the facilities of SBT, would not be an acceptable alternative to N11 service even if available because (1) such gateways would cause customer confusion; (2) information service providers are unlikely to invest in services provided through SBT-operated gateways; (3) Bell-operated gateway services have a history of failure . . . .

Georgia Public Service Commission, *Order*, Docket No. 4232-U, released May 19, 1993.

most of the LECs, the Commission should be wary of any proposal by the Bell companies to keep N11 for themselves and should encourage true competition, such as has occurred in Georgia, Florida and Tennessee.

N11 subscribers, not the LECs, are best situated to determine the most productive use of N11 numbers tailored to the communities where those subscribers operate. Thus, the market, rather than the LECs or governmental agencies, should determine how N11 numbers are used. Where N11 service has been allowed to develop, competitive information services providers have started offering consumers a broad variety of new and innovative services, many of which may not have been conceived when N11 service was first established. The Commission should encourage innovators to provide new and different services to consumers, and therefore should not restrict the use of N11 service to any particular format.

V. CONCLUSION

As the Media Parties have shown, N11 is the best way to allow electronic information services providers to provide consumers with inexpensive, convenient access to information services tailored to the communities they serve. Unlike other numbering resources, N11 service can be made available now in most parts of the country, and information services providers like the Media Parties are eagerly awaiting the opportunity to provide consumers with access to new and innovative services. Because some of the states and the local telephone companies have been hostile to the idea of breaking the telephone companies' monopoly over N11 numbers, Commission action is

necessary to release this valuable resource for use by the general public. The Media Parties urge the Commission to assign N11 numbers for the functions they are best suited to provide: the provision of limited area, pay-per-call services.

N11 service is the perfect vehicle for millions of Americans to easily and inexpensively take their first journey on the information superhighway. As the experience of the last three years has shown, however, N11 numbers will not be released by the telephone monopolies absent Commission action. The Media Parties therefore